

**DURHAM, NORTH CAROLINA
MONDAY, MAY 5, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Records Management Coordinator Laverne Brooks.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The following proclamations were read by the Mayor: *Drinking Water Week* - May 4-10, 2003; *Durham Employee Wellness Day* – May 15, 2003; and *National Safe Kids Week* – May 3-10, 2003. The Mayor presented several students with certificates for their participation in the Durham Poster Contest.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner made available the schedule for the preliminary FY 2003-2004 budget and asked that a rap up session be held on Thursday, June 12, 2003 from 1:00 p.m. to 5:00 p.m.

There were no items from the City Attorney/City Clerk.

Council Members Cole-McFadden and Clement thanked the administration for their involvement in the Gang Awareness Symposium.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion. Ms. Carolina Rivera requested that Consent Item 13 be pulled for comments.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council minutes for the following meeting was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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April 7, 2003 - Regular Meeting

SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Matthew L. Greenwolfe to the Environmental Affairs Board to represent the vocation/profession of Energy and/or Transportation with term expiring June 1, 2006 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Timothy M. Griffin to the Durham Bicycle & Pedestrian Advisory Commission with term expiring on August 31, 2005 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LYON PARK ADVISORY BOARD APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Hunter Bacot to the Lyon Park Advisory Board representing the Forest Hills neighborhood with term expiring June 30, 2004 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies. One term will expire January 1, 2005 and one term will expire January 1, 2006 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ATTENDANCE REPORTS FROM BOARDS, COMMITTEES AND COMMISSIONS

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive Attendance Reports from the following Boards, Committees and Commission was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Durham Cable TV Advisory Board, Citizens Advisory Committee, Durham Convention & Visitors Bureau Board of Directors, Durham Area Transit Authority, Durham Bicycle and Pedestrian Advisory Commission, Durham Board of Adjustment, Durham City-County Appearance Commission, Durham Civic Center Authority, Durham Housing Authority, Durham Open Space & Trails Commission, Durham Planning Commission, Environmental Affairs Board, Historic Preservation Commission, Housing Appeals Board, Human Relations Commission, Multi-Jurisdictional Advisory Board, Passenger Vehicle For Hire Commission, Raleigh-Durham Airport Authority, Recreation Advisory Committee, and the Durham Workforce Development Board.

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the list of contracts; and

To authorize the City Manager to make changes to the list of contracts before execution so as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
ProNet Wireless	Maintenance on wireless network equipment	TS	\$ 870.00
JDL Durham LLC	Stormwater Maintenance & Facility Permit	PW	na
NFE Technologies	Environmental Phase 1 report 500 Willard Street	PFM	\$ 2,300.00
Susan Hatchel Landscape Architects	Oval Drive Park Master Plan	PFM	\$ 18,000.00
Tamara Ramos	Spanish Inst Summer Camp	P&R	\$ 1,120.00
Vinson Horton	Official	P&R	\$ 1,000.00
Marti Smith	Official	P&R	\$ 1,200.00
Tracy Eulis	Water Aerobics	P&R	\$ 770.00
Daniel Richardson	Summer Concert Series	P&R	\$ 600.00
Roderick Allen	Summer Concert Series	P&R	\$ 750.00

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Roderick Allen	Summer Concert Series	P&R	\$ 600.00
Chris Chamis	Summer Concert Series	P&R	\$ 1,350.00
			\$ 28,560.00

**SUBJECT: CONTRACT WITH DURHAM HOUSING AUTHORITY FOR
PROVISION OF SUPPLEMENTAL POLICE SERVICES**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Durham Housing Authority for the provision of supplemental police services in the amount of \$200,000; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH UFR, INC.
- FORESTDALE SUBDIVISION**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with UFR, Inc. to serve Forestdale Subdivision was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH D. T. GLOSSON
CONSTRUCTION COMPANY, INC. - 109 AND 111 ROCKWAY
STREET**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with D. T. Glosson Construction Company, Inc. to serve 109 and 111 Rockway Street was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH D. T. GLOSSON
CONSTRUCTION COMPANY, INC. - 2802 BERTLAND AVENUE**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with D. T. Glosson Construction Company, Inc. to serve 2802 Bertland Avenue was approved at 7:33 p.m. by

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the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Eagles Nest Drive (Private) at Quiet Woods Place (Private), east corner (Country Club Heights);
- b) Continental Drive at Umstead Road, west corner (Country Club Heights);
- c) Lady Aster Court at Continental Drive, southwest corner (Country Club Heights);
- d) Bay Bush Court at Continental Drive, southwest corner (Country Club Heights);
- e) Glennstone Drive at Glenn Road, southwest corner (Glennstone Subdivision);
- f) Lady Slipper Lane at Glennstone Drive, northwest and southeast corners (Glennstone Subdivision);
- g) Amber Stone Way at Glennstone Drive, southeast corner (east intersection) (Glennstone Subdivision);
- h) Chimney Stone Road at Glennstone Drive, northwest corner (Glennstone Subdivision);
- i) Little Valley Court at Glennstone Drive, east corner (Glennstone Subdivision);
- j) Amber Stone Way at Glennstone Drive, west and east corners (west intersection) (Glennstone Subdivision);
- k) Water Stone Street at Glenn Road, west corner (Glennstone Subdivision);
- l) Water Stone Street at Lady Slipper Lane, east corner (Glennstone Subdivision); and
- m) Creek Fall Road at Lady Slipper Lane, southeast corner (Glennstone Subdivision).

Ordinance #12792

SUBJECT: MULTI-MODAL PROJECT - FREELON GROUP – FINAL DESIGN

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with the Freelon Group for the final design of the project in the amount of \$1,081,354 which includes a contingency of ten percent; and

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To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution providing for the Issuance of \$50,825,000 General Obligation Refunding Bonds, Series 2003 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8998

SUBJECT: ENVIRONMENTAL EDUCATION SUMMER CAMP - PIEDMONT BIOREGIONAL INSTITUTE - WEST POINT ON THE ENO CITY PARK

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with the Piedmont Bioregional Institute to provide environmental education summer day camp at West Point on the Eno City Park during the summer of 2003, with the only costs to the City being the provision of physical facilities and specified administrative services, such as registration; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PARTY WALL AGREEMENT WITH WALKER AND MARGARET STONE AT THE SOUTH WALL OF LIBERTY WAREHOUSE - TAX MAP 61 BLOCK 03 LOT 002 – PIN #0 821-08-99-3379

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Party Wall Agreement with Walker and Margaret Stone for the South Wall of Liberty Warehouse, Tax Map 61-03-002, PIN #0821-08-99-3379; and

To authorize the City Manager to execute the Party Wall Agreement and to make changes to the agreement provided such changes do not change the intent of the agenda memorandum was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MONTHLY CRIME REPORT – POLICE DEPARTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the monthly crime report from the Police Department was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: NCDOT UTILITY AGREEMENT T.W. ALEXANDER DRIVE
WIDENING - PROJECT U-3309B**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a utility agreement; and

To adopt a resolution to reimburse the North Carolina Department of Transportation for the relocation of water and sanitary lines for the widening of T.W. Alexander Drive from east of N.C. 147 to Miami Boulevard; and

To authorize the expenditure of \$20,000 from the Water Extensions and Improvements Account was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8999

**SUBJECT: WARD SUTTON – FERRELL FAMILY CEMETERY TO
MARKHAM MEMORIAL GARDENS**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Mr. Ward Sutton on relocating the Ferrell Family Cemetery to Markham Memorial Gardens; and

To adopt a “Resolution Granting Mineral Springs Partnership Request to Relocate Ferrell Family Cemetery Pursuant to G.S. 65-13” was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #9000

SUBJECT: LEGISLATIVE UPDATE – DURHAM CRIME CABINET

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To discuss the Magistrate Appointment, Supervision and Retention.

(This item was placed on 4-28-03 Special City Council Meeting agenda)

SUBJECT: CONTRACTS

To authorize the City Manager to execute the following list of contracts; and

To authorize the City Manager to make changes to the contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts.

Matrix Health & Safety (Environmental Surveys \$4,950.00)

Storr Office Environments (Carpet Installation City Hall Annex #2 - \$14,923.42)

(This item was approved at the 4/24/03 Work Session by a vote of 6/0)

SUBJECT: BEER AND WINE LICENSE APPROVAL

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve local beer and wine privilege licenses for the listed establishments was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) #10689 – Etna #3161, 3301 Guess Road
- 2) #10690 – Etna #3162, 2301 Holloway Street
- 3) #10691 – Etna #3163, 2322 Highway 55

SUBJECT: ANDOVER APARTMENTS FINAL APPROVAL-1996 HOUSING BOND FUNDING TO NEW DIRECTIONS FOR DOWNTOWN, INC. \$123,300 AS A CONSTRUCTION/PERMANENT LOAN

To adopt Alternative 2 [move forward with final approval for the 1996 Housing Bond funds with the knowledge and requirement that no city funds will be expended on the Andover Apartments project until all requirements of the developer have been met to the satisfaction of City staff and the City's 1996 Housing Bond funds will be secured by a first mortgage lien.

(This item was approved at the 4/24/03 Work Session by a vote of 6/0)

SUBJECT: AMENDMENT TO THE POLICY CONCERNING SOLICITATION OF CONTRIBUTIONS THE CITY-GANG AWARENESS SYMPOSIUM

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To support the City's Gang Awareness Symposium "Motivation for Change" by amending the Policy Concerning Solicitation of Contributions by the City to authorize the City staff to solicit for money, property and services through May 4, 2003; and

To adopt an Ordinance amending the 2002-2003 City of Durham Budget Ordinance, the same being Ordinance #12575.

(This item was approved at the 4/24/03 Work Session by a vote of 6/0. Ordinance #12791)

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: CONTRACT WITH THE DURHAM COUNTY'S DEPARTMENT OF SOCIAL SERVICES FOR WORKFORCE INVESTMENT ACT SERVICES

Carolina Rivera spoke in opposition to this item.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the amendment to contract for Dislocated Worker Program with the Employment Security Commission to extend the contract date from June 30, 2003 to December 30, 2003 and to add \$191,400 to the contract amount; and

To authorize the City Manager to execute the amendment to contract for Adult Programs with the Employment Security Commission to extend the contract date from June 30, 2003 to December 30, 2003 and to add \$49,800 to the contact amount; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members

[GENERAL BUSINESS AGENDA]

SUBJECT: INTERIM EQUAL BUSINESS OPPORTUNITY PROGRAM

To adopt an ordinance establishing the City's Equal Business Opportunity Program and repealing the City's Minority/Women Business Enterprise Ordinance, effective July 1, 2003.

Council Member Clement stated that additional work/discussion was need on the interim ordinance.

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A motion was made by Council Member Clement seconded by Council Member Best to refer this item to the May 8, 2003 Work Session.

A substitute motion was made by Council Member Stith to adopt an Ordinance Establishing the City's Equal Business Opportunity Program. Motion dies for the lack of a second.

MOTION by Council Member Clement seconded by Council Member Best to refer this item to the May 8, 2003 Work Session for discussion was approved at 7:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: Council Member Stith. Absent: None.

SUBJECT: ADOPTION OF THE FY 2003-2004 CONSOLIDATED ACTION PLAN

Discussion was held on the monitoring of the grant applications.

Mayor Pro Tempore Cheek made comments on the lack of funds for resurfacing/potholes.

Mayor Bell stated he would be abstaining on the UDI Business Incubator - \$50,000.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the FY 2003-2004 Consolidated Action Plan for submission to the U.S. Department of Housing and Urban Development; and

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for the implementation of the Annual Action Plan to include all Community Development Block Grant and HOME Investment Partnership agreements and other Annual Action Plan documents was approved at 7:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Note: Mayor Bell abstained from voting on the UDI Business Incubator

**FY 2003-04 Community Development Block Grant Allocations
Revised 4-24-03**

Planning & Administration	530,000
Housing Code Enforcement	450,000
Community Outreach	125,000
Commercial Loan Pool	150,000
Commercial Façade Improvement Program	50,000
Business Incubator (UDI)	50,000
Homebuyers Counseling (Consumer Credit Counseling)	75,000

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Infrastructure Improvements in Low-Mod Areas	220,000
Golden Belt Window Replacement (DVI)	100,000
Weatherization Program (Operation Breakthrough)	125,000
Homeownership Education (DAHC)	69,000
CAARE, Inc. (Administrative)	35,000
Small Business Start-Ups (Goodwork, Inc.)	75,000
John Avery Boys & Girls Club Structural Improvements	55,000
Northeast Central Durham Case Manager	28,000
Minor Home Repair Program	50,000
Ellerbee II Infrastructure Improvements (Habitat)	170,000
Phoenix House (Administrative)	58,000
Calvert Place Acquisitions	175,000
Youth Life Foundation (Administrative)	50,000
Turning Point "Gang" Initiative (YMCA)	50,000
Goose Creek/Barnes Avenue Infrastructure	60,000
Total	2,750,000

CDBG Allocation	2,350,000
Program Income	200,000
HUD Repayment	200,000
	2,750,000

FY 2003-2004 HOME Allocations

Administrative Costs	140,000
CHDO Set-Aside	300,000
Substantial Homeowner Rehabilitation	288,000
First-Time Homebuyers Program	400,000
Housing Rehabilitation/Historic Preservation	30,000
Walltown Housing Development (SHCU)	298,000
Total	1,456,000

HOME Allocation	1,306,000
Program Income	150,000
	1,456,000

SUBJECT: CITY-COUNTY INTER-LOCAL COOPERATION AGREEMENT FOR THE PLANNING DEPARTMENT

City/County Planning Director Frank Duke made comments on this item.

Several members Council expressed concern with the lack of alternating chairs on the Planning Commission.

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Council Member Clement noted he had concerns with the entire agreement and stated it should be referred to the Joint City/County Committee for discussion.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the City-County Inter-local Cooperation Agreement for the Planning Department **with the following amendments** was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

In Section III B (1) on page 3 Planning Commission – add the following sentence “The commission shall have a chairman and a vice chairman one of whom shall be a city appointee and one of whom shall be a county appointee. The position shall alternate between city appointee and county appointee from year to year.”

Section VI paragraph (A) on page 17 (Joint-City/County Planning Committee) - to delete the sentence which says each governing body shall appoint one alternate member to serve in the absence of a regular member from that body. Add the following sentence “Any other member of the governing body may serve in the absence of a regular member from that body.”

Also, to delete the Chair of the Planning Commission as a voting member of the Joint City/County Planning Committee.

[GENERAL BUSINESS AGENDA-PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING AND APPROVAL OF MCKINNEY AND SILVER INVESTMENT INCENTIVE AGREEMENT

Economic Development Director Alan DeLisle made a brief presentation on this item.

Mayor Bell opened the public hearing.

The following citizens spoke in support of the item as printed: Ted Conner; Bill Kalkof; and John Compton.

No one spoke in opposition. The public hearing was closed by the Mayor.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens comment and to authorize the City Manager to execute a contract with McKinney and Silver, LLC in the amount of \$100,000 regarding incentives for job creation in a community development area; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided by the City was approved at 8:41 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING CASE P03-13 (TROSA) Y. E. SMITH SCHOOL
LOCATED 107 SOUTH DRIVER STREET – HOUSING FOR
ELDERLY**

To receive public comment on Zoning Case (P03-13) TROSA, and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-13 out of R-3 and placing same in and establishing same as RM-20(D). **[Approved – Vote 7/0]**

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval – (6-0)

Planning Director Frank Duke made a presentation on the staff report recommending approval.

Mayor Bell opened the public hearing.

The following citizens spoke in support of the rezoning request: Kevin McDonald; Keith Artin; Melvin Whitley; and William Thomas.

No one spoke in opposition. The Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on Zoning Case (P03-13) TROSA; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-13 out of R-3 and placing same in and establishing same as RM-20(D) was approved at 8:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING PETITIONED IMPROVEMENTS

(The public hearing was opened at the City Council meeting on April 7, 2003)

To adopt a resolution ordering Curb, Gutter and Paving, Sewer Main and Water and Sewer Laterals on Chicago Street from Collier Street North to South Property Line of Tax Map 405-1-17.

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Lee Murphy, of the Public Works Department, noted that the property owner is requesting the item be continued to a work session for further discussion. Mr. Murphy recommended that the public hearing be continued without further advertising and referred to the June 5, 2003 City Council Work Session.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising and to refer the item to the June 5, 2003 City Council Work Session was approved at 8:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BARNES AVENUE REDEVELOPMENT PLAN

To receive citizens' comments on the Barnes Avenue Redevelopment Plan and to refer the plan to the Planning Committee for review and recommendation.

Dwight Yarborough noted a presentation was made at the April 24, 2003 Work Session.

Mayor Bell opened the public hearing.

James Chavis requested information on whether his property will be included in the Barnes Avenue Redevelopment Plan. He stated a map that he was shown did have his land in the redevelopment area.

Dwight Yarborough noted the boundaries of the Barnes Avenue Project are a result of the Blight Determination Study.

City Manager Conner stated the Barnes Avenue Redevelopment Area is actually greater than Barnes Avenue and the first phase of the project is Barnes Avenue the actual street.

Housing Director Charlene Montford stated Mr. Chavis' property is within the boundaries on Liberty Street which is in the Barnes Avenue area. She noted the first phase of redevelopment is on Barnes Avenue.

City Manager Conner stated Mr. Chavis' property will probably be in phase II of the redevelopment area.

Mr. Chavis stated he did not realize that the redevelopment will be done in phases.

Gene Cook spoke in support of this item.

William Thomas made comments on the process and the length of time it takes to get something done in North East Central Durham.

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Mayor Bell stated that the Barnes Avenue Project is being done with not only local dollars but with federal dollars and a lot more things have to be done when federal dollars are involved.

The public hearing was closed by the Mayor.

Planning Director Frank Duke noted there are some technical issues associated with the floodplain which may result in some revisions to the redevelopment plan.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on the Barnes Avenue Redevelopment Plan and to refer the plan to the Planning Committee for review and recommendation was approved at 9:08 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

At this time, Council Member Cole-McFadden asked the administration to research a previous request from Ann Atwater relative to Birchwood Recreation Center.

There being no further business to come before the Council, the meeting was adjourned at 9:08 p.m.

D. Ann Gray, CMC
City Clerk